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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/373,038	08/12/1999	LARRY W. BELL	98-26	2153

24938 7590 06/17/2005

DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION  
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EXAMINER
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SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/373,038	Applicant(s) BELL ET AL.	
	Examiner J. Allen Shriver	Art Unit 3611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2000.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 04 December 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's submittal of an amendment was received on December 4, 2000; wherein Claims 1, 9 and 10 were amended.

This Final action has been re-mailed according to the Supplemental Decision on Petition to withdraw Holding of Abandonment, which is dated May 10, 2005.

### *Drawings*

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on December 4, 2000 have been approved.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. **Claims 1 and 5-11 are rejected under 35 U.S.C. 102(e) as being anticipated by VanOrder et al. (5,887,485).** VanOrder discloses a sled system (See Fig. 3) for mounting a shift assembly to a vehicle having a sled (55) having a predetermined configuration (See Fig. 3), the sled being adapted to fit onto a vehicle floor pan (See column 3, lines 61-62), the sled

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including a first opening (See Fig. 3) for accepting a shift lever assembly (20); the shift lever assembly disposed within the first opening, the sled including a second opening (See Fig. 3) for accepting a brake lever assembly (6); the brake lever assembly disposed within the second opening; and a plurality of fasteners (See column 4, lines 15-17) for mounting the shift lever assembly and the brake lever to the sled; and a console (2) mounted to the sled; a console mounting bracket (See Fig. 3, the rear section of the sled 55) fixedly attached to the sled; a console member (2) mounted to the console mounting bracket; an instrument panel mounting bracket mounted to the sled (See Fig. 3, the front section of the sled 55); and wherein the sled system is assembled as a module (See Fig. 3).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanOrder et al. (5,887,485).** VanOrder discloses a gear shift assembly mechanism as set forth in paragraph 4 above, but does not specifically disclose an automatic or manual transmission gear shift assembly. Examiner takes Official Notice that it is inherent that either an automatic or manual transmission could be used in the sled system console disclosed by VanOrder. Both types of transmissions are old and well known in the art, and a person of ordinary skill in the art

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would have the requisite skill to accommodate either a manual or an automatic transmission in the sled system console taught by VanOrder .

7. **Claims 4, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanOrder et al. (5,887,485) in view of Knox, Jr. (4,077,276).** VanOrder discloses a sled system (See Fig. 3) for mounting a shift assembly to a vehicle as set forth in paragraph 4 above, but does disclose wherein the sled includes a third opening including a transfer case shift lever assembly disposed in the third opening. VanOrder teaches a sled system console for a standard two-wheel drive vehicle that is not equipped with a transfer case to provide four-wheel drive capability. As disclosed in Knox, Jr., it is old and well known in the art to locate the transfer case shift lever in close proximity to the shift lever of the vehicle. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the sled system console disclosed in VanOrder to incorporate the extra transfer case shift lever needed for a four-wheel drive vehicle by providing an additional third opening to accommodate the placement of the transfer case shift lever next to the transmission shift lever assembly. The motivation for doing so would have been to provide a premanufactured assembly of an integrated floor console which includes all of the controls normally associated with floor consoles of a four-wheel drive that is readily assembled to the vehicle during manufacture of the vehicle. Therefore, it would have been obvious to combine Knox, Jr. with VanOrder to obtain the invention as specified in Claims 4, 12 and 13.

*Response to Arguments*

8. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection. Due to Applicant's amendments, Examiner has changed the grounds of rejections from Smith (5,970,814) to VanOrder et al. (5,887,485) to meet the amended claim limitations.

*Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (571) 272-6698. The examiner can normally be reached on Monday, Wednesday and Thursday 5:30 am-5:00 pm and Tuesday 5:30 am-11:00 am.

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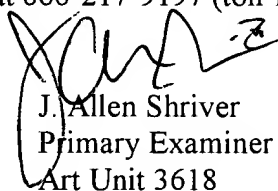
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (571) 272-6914. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to: (703) 872-9306 (for formal communications intended for entry). (571) 273-6698 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
J. Allen Shriver  
Primary Examiner  
Art Unit 3618  
6/14/05

JAS